From: Kim (038) David Trimm
To: Microsoft ATR
Date: 1/21/02 12:35pm
Subject: Settlement Comments

To Whom It May Concern,

I am a software engineer with 10 years of experience as a programmer and a system administrator. I have a Masters Degree from Johns Hopkins University and a Bachelors Degree from Georgia Tech in Computer Science. I have closely followed the Microsoft Antitrust Trial and feel that it is my civic duty to oppose the settlement between the Microsoft and the Justice Department.

The proposed settlement attempts to restore competition in the Operating System and Software Application markets by forcing Microsoft to "disclose APIs and related Documents" to other software developers (Section III.D). However, in Sections III.J.1 & .2, certain exemptions prevent this disclosure. These exemptions render Section III.D useless for the majority of products that need to interoperate with Microsoft products in order to restore competition. To illustrate this point, I will discuss several areas where competing products need to interoperate but will be prevented by Section III.J.

Samba is a popular software package that allows Unix servers (such as Linux and Sun Microsystems' Solaris) to interoperate with Windows NT Servers and Workstations. Using Samba, Unix servers can share network resources such as files and printers with a Microsoft network. Samba is developed by a group of 20 volunteers and is released under an Open Source License, meaning that the source code for Samba is available for anyone to read and/or modify. Unfortunately, the proposed settlement exempts the Samba team from benefitting from Microsoft's disclosure for several reasons. Section III.J.1 prevents this disclosure because Microsoft networks require authentication to share resources (the exemption states that "No provision ... shall require Microsoft to ... disclose ... portions of the API ... which would compromise ... authentication systems ..."), and Section III.J.2 also prevents this disclosure because Microsoft will never certify the Samba Team as a viable business (the exemption states that the licensee must "... meet reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business.").

Apache is an Open Source web server that competes directly with Microsoft's IIS and currently powers over 50% of the internet (see www.netcraft.com for details). However, for them to remain competitive, they will also need access to Microsoft's APIs for both the server and client side since Microsoft has monopolized over 90% of the web browser market. While Microsoft may recognize them as a viable business (the Apache Software Foundation is a not-for-profit corporation), Section III.J.1 will permit Microsoft to deny them the ability to interoperate because web servers are considered encryption and authentication systems.

Section III.J is an exceptionally large loophole that Microsoft will use to deny any software developer the ability to compete in any market that Microsoft wishes to monopolize. It can effectively be used to cover Microsoft's Office and multimedia file formats (exempted under the digital rights management clause) and their attempts to control the Internet under their .Net initiative (exempted under the authentication systems clause). Section III.J effectively renders the disclosure clauses in Section III.D useless and will allow Microsoft to keep their illegal monopoly intact.

To solve these inadequacies, I propose that the court completely strike Section III.J from the settlement and force Microsoft to disclose all of their past and future APIs and file formats to an internation standards body. The approved standards should then be made freely and publicly available to any competitor who wishes to implement them. Until these protocols become open to all, Microsoft will continue to illegally monopolize any market that it wants.

Sincerely,

David Trimm
119 Arbutus Avenue
Catonsville, MD 21228
(410) 747 4403
kstrimm@home.com

CC: kstrimm@home.com@inetgw,ktzeng@home.com@inetgw